

FILED BY *JE* D.C.

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TENNESSEE
WESTERN DIVISION

THOMAS M. GOULD
CLERK, U.S. DISTRICT COURT
W/D OF TN, MEMPHIS

GERALD WHEATON,

Plaintiff,

vs.

STEVE HUDGINS,

Defendant.

No. 05-02234 B/V

ORDER GRANTING DEFENDANT'S MOTION TO CONDUCT DISCOVERY
IN AID OF MOTION TO DISMISS

Before the court is the July 18, 2005 motion of the defendant, Steve Hudgins, for leave to conduct certain discovery in aid of the motion dismiss that is pending before the court. This motion has been referred to the United States Magistrate Judge for determination. For the following reasons, the motion is granted.

Pursuant to Local Rule 7.2(a)(2), responses to motions in civil cases are to be filed within fifteen days after service of the motion. The plaintiff has not filed a response to this motion, and the time for responding has now expired.

Rule 7.2(a)(2) further provides that "[f]ailure to respond timely to any motion, other than one for requesting dismissal of a claim or action, may be deemed good grounds for granting the motion." In the absence of any response by the plaintiff, the defendant's motion for leave to conduct certain discovery in aid of

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(13)

the motion dismiss is granted.

Hudgins shall be permitted to conduct limited discovery including service of Interrogatories, service of Requests for Production of documents, service of Requests for Admissions and the taking of limited Depositions. Discovery shall be limited to the fundamental jurisdictional issue of the plaintiff's working relationship with Hudgins and/or Prime, Inc. The limited discovery in aid of the motion to dismiss must be completed on or before October 14, 2005.

IT IS SO ORDERED this 8th day of August, 2005.


DIANE K. VESCOVO
UNITED STATES MAGISTRATE JUDGE



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Honorable J. Breen
US DISTRICT COURT